

REFERENCE TITLE: state monuments; repair fund; purpose.

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

# HB 2001

Introduced by  
Representative Kavanagh

AN ACT

AMENDING SECTIONS 41-1363 AND 41-1365, ARIZONA REVISED STATUTES; RELATING TO STATE MONUMENTS AND MEMORIALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 41-1363, Arizona Revised Statutes, is amended to  
3 read:

4       41-1363. Monuments and memorials within governmental mall;  
5                   legislative authorization; approval; procedure

6       A. Notwithstanding section 34-225 or any other law, a monument or  
7 memorial in recognition of or honoring a person, group, entity or event shall  
8 be located in the governmental mall only if a prior legislative act  
9 authorizes the monument or memorial.

10     B. After legislative authorization, a monument or memorial may be  
11 established by the following procedures:

12       1. The proponents shall submit a concept to the department of  
13 administration for the design, dimensions and location of the monument or  
14 memorial.

15       2. The department of administration shall review the concept and  
16 determine the most appropriate location that highlights the monument or  
17 memorial and preserves the integrity of the governmental mall.

18       3. The department of administration shall submit its review and  
19 recommendations to the legislative governmental mall commission including  
20 recommendations regarding its ability to maintain the monument or memorial.

21       4. After recommendations from the historical advisory commission  
22 regarding the historical integrity of the monument or memorial and after any  
23 necessary negotiations with the proponents, the legislative governmental mall  
24 commission, in consultation with the department of administration, shall  
25 approve the final design, dimensions, location and maintenance requirements  
26 of the monument or memorial, the minimum dollar amount required for deposit  
27 in the state monument and memorial repair fund established by section 41-1365  
28 and any statement, declaration, writing or inscription that will be imprinted  
29 or stamped on the monument or memorial.

30       5. Before the beginning of construction of the monument or memorial,  
31 the proponents shall enter into a contract with the department of  
32 administration specifying the conditions of the design, dimensions and  
33 location of the monument or memorial, a list of the artists, contractors and  
34 subcontractors that will be employed, the minimum dollar amount required for  
35 deposit in the state monument and memorial repair fund established by section  
36 41-1365 and a verification that all employees for the project are insured and  
37 that this state is indemnified against any liability in regard to the  
38 construction.

39       6. An approved monument or memorial shall be completed and dedicated  
40 to this state within two years after the effective date of the legislative  
41 act authorizing the monument or memorial.

42       C. Except as otherwise provided in this section or section 41-1365,  
43 all fund-raising, establishment and administration of a fund for deposit of  
44 monies and contracts for artistic design and construction of the monument or  
45 memorial are the sole responsibility of the proponents.

1       D. If the completed monument or memorial deviates from the final  
2 design or dimension that was approved by the legislative governmental mall  
3 commission or any statement, declaration, writing or inscription that is  
4 imprinted or stamped on the monument or memorial deviates from that which was  
5 approved by the legislative governmental mall commission, the proponents are  
6 responsible for any costs incurred to conform the monument or memorial to the  
7 approved form.

8       E. The proponents shall collect an amount equal to at least ten per  
9 cent of the artistic design and construction costs of the monument or  
10 memorial or the amount approved by the legislative governmental mall  
11 commission as provided in subsection B of this section. The department of  
12 administration shall deposit these monies in the state monument and memorial  
13 repair fund established by section 41-1365 for the maintenance, repair,  
14 reconditioning or relocation of ~~all monuments or memorials and for supporting~~  
15 ~~mechanical equipment in the governmental mall~~ THAT MONUMENT OR MEMORIAL. The  
16 monies must be deposited in the fund before the beginning of construction of  
17 the monument or memorial.

18       F. On review and approval by the legislative governmental mall  
19 commission, the department of administration may relocate monuments or  
20 memorials that are located in the governmental mall.

21       G. This section does not apply to monuments or memorials in which a  
22 political subdivision has a contractual interest and that are located in the  
23 governmental mall but that are outside Wesley Bolin plaza.

24       Sec. 2. Section 41-1365, Arizona Revised Statutes, is amended to read:  
25       41-1365. State monument and memorial repair fund; purpose;  
26                   report

27       A. The state monument and memorial repair fund is established  
28 consisting of:

29           1. Donations.  
30           2. Monies derived from fund-raising activities. ~~and~~  
31           3. Monies that are collected by the proponents of a monument or  
32 memorial and that are deposited pursuant to section 41-1363.

33           ~~3.~~ 4. Grants received for monuments or memorials, except for  
34 otherwise specifically dedicated grants.

35           4. Legislative appropriations.

36       B. The department of administration shall administer the fund. ~~If a~~  
37 ~~donor designates that a donation is for the benefit of a specific monument or~~  
38 ~~memorial that is dedicated to this state, the department shall separately~~  
39 ~~account for the monies.~~ All monies in the fund are subject to legislative  
40 appropriation. SUBJECT TO THIS SECTION, the department shall use monies  
41 appropriated from the fund for the maintenance, repair, reconditioning or  
42 relocation of monuments or memorials and for supporting mechanical equipment  
43 in the governmental mall.

1       C. THE DEPARTMENT SHALL SEPARATELY ACCOUNT FOR MONIES TO A SPECIFIC  
2 MONUMENT OR MEMORIAL THAT IS DEDICATED TO THIS STATE FOR MAINTENANCE, REPAIR,  
3 RECONDITIONING OR RELOCATION OF THAT MONUMENT OR MEMORIAL AS FOLLOWS:

4       1. MONIES THAT ARE DONATED FOR THE BENEFIT OF THE SPECIFIC MONUMENT OR  
5 MEMORIAL.

6       2. MONIES THAT ARE DERIVED FROM FUND-RAISING ACTIVITIES AND THAT ARE  
7 COLLECTED FOR THE BENEFIT OF A SPECIFIC MONUMENT OR MEMORIAL.

8       3. MONIES THAT ARE COLLECTED AND DEPOSITED PURSUANT TO SUBSECTION A,  
9 PARAGRAPH 3 OF THIS SECTION.

10      ~~C.~~ D. On or before November 1 of each year, the department of  
11 administration shall submit to the legislative governmental mall commission a  
12 report that accounts for all monies deposited in the fund. The report shall  
13 include the sources of the monies received for deposit, by category, and the  
14 purposes for which the monies were used during the preceding fiscal year.

15      ~~D.~~ E. The department of administration shall hold the monies in the  
16 fund in trust for the citizens of this state until spent on an authorized  
17 monument or memorial, and monies in the fund shall not be spent or  
18 appropriated for any other purpose.

19      ~~E.~~ F. Monies in the fund are exempt from the provisions of section  
20 35-190 relating to lapsing of appropriations.